

**IN THE HIGH COURT OF JUDICATURE
ANDHRA PRADESH
AT HYDERABAD**

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THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WP No. 9384 of 1997

Between :

V.Guruva Reddy .. Petitioner

And

The Registrar,
Acharya N.G.Ranga Agricultural
University, Rajendra Nagar,
Hyderabad – 30 and two others .. Respondents

Dated : 3rd October 2007

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JUDGMENT :

This writ petition has been preferred by the President of the Labour Union of Acharya N.G.Ranga Agricultural University. Their grievance is that the 1st respondent University was seeking to recover the interim relief paid to them in monthly installments. Sri Sridhar, learned counsel for the petitioner would urge that that the University has acceded to their demand for payment of interim relief as the last revision of minimum rates of wages ordered by the State Government was found to be less than the minimum rates of wages liable to be paid for workmen rendering similar kind of work and to offset this difference in the amount of wages, interim relief is granted. Therefore, the learned counsel would urge that the interim relief which has been

sanctioned to them is to comply with the requirement of payment of minimum wages and hence it cannot be recovered at a later point of time. Per contra, Sri B.Siva Reddy, learned Standing Counsel for the respondent University has pointed out that through proceedings No. 2169/Lab/94, dated 22.12.1994, the interim relief has been granted in terms of the decision taken by the Board of Management at its meeting held on 19.12.1994 and the same was subject to certain conditions, importantly, one of them being that the interim relief now sanctioned will be adjusted from the wages as and when the wages are revised by the State Government and implemented in the University and therefore having accepted such a condition at the time of grant of the interim relief, the writ petitioner cannot now turn round and agitate about the adjustment of interim relief ordered. Learned Standing Counsel for the University would also point out that the University has been periodically revising the wages payable to various workmen engaged by it in its operations in faithful compliance of the orders passed by the State Government and in fact one such last revision of wages was based upon the orders passed by the State Government in G.O.Ms.No.32, Women Development, Child Welfare and Labour Department, dated 6.3.1991 and therefore the interim relief now sought to be adjusted by the University is in accordance with the stipulations contained while granting the same, inasmuch as the revision of wages as ordered by the State Government through their G.O.Ms. No.3, Labour, Employment and Training Department, dated 12.2.1996 is given effect to by the University. This apart, the learned Standing Counsel would also urge that the interim relief paid to the workmen

has been recovered and it has been appropriated to the funds of the University. The entire controversy centers around the grant of interim relief. In normal circumstances, such reliefs are granted awaiting an upward revision of the wage structures. There can be certain conditions subject to which such reliefs can be granted and as rightly pointed out by the learned Standing Counsel for the University that the interim relief itself was sanctioned subject to its adjustment from wages as and when the same are revised. Admittedly in this case, wages stood revised from 20.2.1996, whereas interim relief has been granted with effect from 1.12.1994. Once the revision of wages has been ordered to be effective from 20.2.1996, and not from 1.12.1994, in normal circumstances, the question of recovery of the interim relief should not arise at all. If the revision of wages has taken effect from 1.12.1994, the obligation to adjust the interim relief pending such a revision would be justified, but, however, the revision of wages has taken place with effect from 20.2.1996, as is set out by the respondent University through its Memo No. 57155/Labour/96, Dated 2.4.1996. Thus for the period between 1.12.1994 upto 19.2.1996, the interim relief itself has been granted to offset shortage in wages or the inflation due to time consumption in revising the wages. The obligation to pay the minimum wages is thrust upon every employer. Therefore, I direct the respondent University to reconsider the entire matter and take into account and consideration the minimum rates of wages that are prevailing as per the notifications issued from time to time for the period between 1.12.1994 upto 19.2.1996 and if the notified minimum wages are higher or equivalent to the rates of wages paid including the

interim relief paid, then the question of recovering the same should not have been ordered. On the contrary, if the rates of wages paid to the employees for the aforementioned period are found to be higher than the minimum wages notified for that relevant period then the question of adjusting the same by way of recovery would be justified and would be in order. The University is therefore directed to examine this and pass detailed order within a period of three months from now. With this the writ petition stands disposed of. No costs.

knk

03.10.2007